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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VISHAL DHAGAT
ON THE 4th OF JANUARY, 2023
MISC. CRIMINAL CASE No. 59180 of 2022**

BETWEEN:-

**SUNIL TIWARI @ DIMPLE S/O LATE SHRI SURYADEEN
TIWARI, AGED ABOUT 34 YEARS, OCCUPATION:
BUSINESS R/O GRAM MADAI, THANA RAIPUR
KARCHULIYAN DISTRICT REWA (MADHYA PRADESH)**

.....PETITIONER

(BY MS. SWATI ASEEM GEORGE, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION SINGHPUR DISTRICT SHAHDOL (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI Y. D. YADAV, GOVT. ADVOCATE)

.....
*This application coming on for admission this day, the court passed the
following:*

ORDER

1. This is second bail application filed under Section 439 CrPC on behalf of applicant in connection with Crime No.69/2016, registered at Police Station Singhpur, District Shahdol (M.P.), for the offences punishable under Sections 20(b)(ii) of NDPS Act and Section 420 of IPC. First application filed by applicant was considered on merits and was dismissed as withdrawn on the ground that applicant is owner of vehicle and 10 criminal cases are pending against him.

2. Learned counsel appearing for the applicant submitted that applicant is

not the owner of the vehicle and vehicle belongs to one Anurag Tiwari. Applicant is made accused only on basis of memorandum. No other evidence is available against the applicant. In these circumstances, applicant may be released on bail.

3. Learned Govt. Advocate appearing for the respondent/State opposed the prayer for grant of bail and submitted that as many as 10 criminal cases are registered against the applicant and the contraband article belongs to applicant. Other co-accused persons are working for him. In these circumstances application be dismissed.

4. Heard the learned counsel for the parties.

5. As per evidence which is collected in the case diary only memorandum statement and phone calls is available against the applicant. Applicant is not the owner of the vehicle in which contraband article was found. Co-accused has already been released on bail.

6. Considering the aforesaid facts and circumstances of the case, bail application filed by the applicant is **allowed**.

7. It is directed that applicant shall be released on bail on his furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial court on the conditions that:-

(i) Applicant shall appear and mark his presence before Police Station Singhpur, District Shahdol on the first of every month;

(ii) If applicant is found involved in any other offence in future, then bail granted to him shall stand cancelled and Police of Police Station Singhpur shall be at liberty to arrest the applicant in Crime

No.69/2016.

8. The applicant shall abide by the conditions enumerated under Section 437(3) of Cr.P.C.

C.C as per rules.

(VISHAL DHAGAT)
JUDGE

mms

